

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Joshua J. Caldwell

Docket No. 5:14-MJ-2404-1

Petition for Action on Probation

COMES NOW Debbie W. Starling, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joshua J. Caldwell, who, upon an earlier plea of guilty to Simple Possession of Marijuana, in violation of 21 U.S.C. § 844, was sentenced by the Honorable Robert T. Numbers, II, U.S. Magistrate Judge, on August 5, 2015, to a 12-month term of probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On August 13, 2015, the defendant submitted a urine specimen which proved positive for cocaine. The defendant signed an Admission of Drug Use Statement admitting that he used cocaine on August 9, 2015. Caldwell had previously completed treatment through Raintree Clinic but has been referred to Integrated Behavioral Healthcare Services for additional services. He is participating in the Surprise Urinalysis Program and the frequency of testing has been increased. As a punitive sanction for his drug use, it is respectfully recommended that his conditions of probation be modified to include two days in jail and DROPS, second use level. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Debbie W. Starling

Debbie W. Starling

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

Phone: 910-354-2536

Executed On: September 4, 2015

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ORDER OF THE COURT

Considered and ordered on September 8, 2015 . It is further ordered that this document shall be filed and made a part of the records in the above case.

Robert T. Numbers II

Robert T. Numbers, II
United States Magistrate Judge